

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Joseph M. Penninger  
Michael A. Crackower

Serial No.: 10/518,599

Filed: May 31, 2005

For: ACE2 ACTIVATION FOR TREATMENT OF  
HEART, LUNG AND KIDNEY DISEASE  
AND HYPERTENSION

Group Art Unit: 1652

Examiner: Anoop Kumar Singh

Atty. Dkt. No.: SONN:064US

Confirmation No.: 8087

**CERTIFICATE OF ELECTRONIC TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this Appeal Brief is being electronically  
filed with the United States Patent and Trademark Office  
via EFS-Web on the date below:

February 21, 2008  
Date

  
Travis M. Wohlers

**INTERVIEW SUMMARY AND TRANSMITTAL OF**

**THE SCHUSTER DECLARATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On November 1, 2007, Applicant filed a response to the Office Action mailed on June 1, 2007. A Request for Continued Examination (RCE) and the Declaration of Manfred Schuster under 37 C.F.R. § 1.132 were filed concurrently with the response. The enclosed acknowledgement receipt from the USPTO confirms that the response, RCE, and declaration were successfully filed on November 1, 2007.

A further Office Action was mailed on December 11, 2007. This Office Action did not mention the Schuster Declaration filed on November 1, 2007. Applicant's representative, Travis Wohlers, then looked at the application on PAIR and saw that the Schuster Declaration was not

part of the image file wrapper. Travis Wohlers spoke with Examiner Saidha over the telephone on February 21, 2008, and Examiner Saidha stated that he had not received the Schuster Declaration. Travis Wohlers also spoke with Examiner Saidha's supervisor, Examiner Nashed, on February 21, 2008. Examiner Nashed stated that if Applicant presented evidence that the Schuster Declaration was filed on November 1, 2007, then Examiner Saidha would vacate the Office Action dated December 11, 2007 and issue a new Office Action that takes the Schuster Declaration into consideration.

As mentioned above, an acknowledgement receipt from the USPTO, which confirms that the response, RCE, and declaration were successfully filed on November 1, 2007, is enclosed. In addition, a copy of the Schuster Declaration that was filed on November 1, 2007, is also enclosed. This evidence establishes that the Schuster Declaration was filed with the USPTO on November 1, 2007. Accordingly, the Office Action dated December 11, 2007 should be vacated and a new Office Action that takes the Schuster Declaration into consideration should be issued.

Applicant would like to thank Examiner's Nashed and Saidha for their help in resolving this issue. Should the Examiners have any questions, comments, or suggestions relating to this case, they are invited to contact Applicant's representative at (512) 536-5654.

Respectfully submitted,



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Date: February 21, 2008